

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
James L. Madara et al.

Serial No.: 10/762,388

Filed: January 22, 2004

For: **MODULATION OF INFLAMMATION  
RELATED TO COLUMNAR EPITHELIA**

Group Art Unit: 1612

Examiner: Fay, Zohreh A.

Atty. Dkt. No.: BWHI-029/US3

Confirmation No.: 4854

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321**

Mail Stop **Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION  
37 C.F.R. § 1.8

I hereby certify that this correspondence is being electronically filed with the  
United States Patent and Trademark Office via EFS-Web on the date below:

May 7, 2010 Barbara A. Avery  
Date Barbara A. Avery

Dear Sir:

The owner, The Brigham and Women's Hospital, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior US. Patent Application No. 11/838,046. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

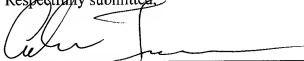
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is the attorney or agent of record in this application.

This response is being submitted on or before June 19, making this a timely response. The Terminal Disclaimer fee of 140.00 is paid herewith. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 50-1212/BWHI-029/US3.

CUSTOMER NUMBER **38824**

Respectfully submitted,



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